

**Remarks**

Claims 1-9 are pending. By this response, claims 1-8 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

**Title**

The Office Action objects to the title and suggests amending the title to "Email Processing Server Awarding Lottery Tickets." The Examiner states that the current title of the invention suggests two separate and distinct functions. Applicants respectfully submit that the Examiner's suggested title change is not appropriate since the email processing server does not award lottery tickets but performs a lottery and also an email function and provides a prize notification. Therefore, Applicants current title "Email Processor and Lottery Server" is entirely appropriate as the claimed email processing servers perform both functions as an email server by which emails are sent between two or more mobile users and a lottery server for determining a winner of a specific prize based on the emails. Accordingly, withdrawal of the objection of the title is respectfully requested.

**Specification**

The Office Action objects to the specification due to informalities. First, it is noted that for some reason the Examiner's paragraphing and line numbering are not the same as Applicants and therefore correlating the alleged informalities with Applicants specification is difficult.

Second, Applicants have clearly made corrections to areas of the specification purported on the current Office Action to need correction. For example, "email that that" has been corrected to "email that." Thus, why this

objection is maintained is uncertain. Other changes have also been made which are currently included in the objection as not having been made.

Finally, Applicants note that the entirety of the suggested amendments in the objections are not necessary. Although the suggested changes may grammatically or idiomatically improve certain sections of reading, an understanding of the present invention can be readily ascertained from the text as presently disclosed without incorporating a majority of the suggested amendments. Areas in which a lack of understanding of the present invention could be perceived have been addressed in the previous response and will also address in the future if such areas are identified. However, a systematic stylistic change to the entire specification and claims, when unnecessary is not required. Accordingly, withdrawal of the objections are respectfully requested.

#### Claim Objections

The Office Action objects to claims 1-5 due to informalities. First, Applicants note that many of the suggested claim objections were already addressed in the previous Response by amendments to the claims. Applicants do not understand why such objections remain if they been addressed already. Second, some of the suggested amendments do not even exist. For example, the Examiner suggests amending claim 3, line 2 from “a user” to “the user.” “A user” is not present in line 2 or anywhere else in claim 3. Further, the Examiner states that claim 5 includes the recitation of “location information showing location on a network, where contents of a prize awarded to a user who won the lot-drawing are stored, from a database.” However, this language is not present in claim 5. This language is present in claim 6 and Applicants have addressed this objection by the Examiner in claim 6.

Applicants will gladly address issues with regard to the claims where the language of the claims may cause issues of clarity of what is being stated. However, in the objection when the suggested amendments do not correlate to the actual claim language, it is difficult for Applicants to address them.

In any event, Applicants have addressed issues with the claims which were identifiable and where Applicants believe were appropriate. Accordingly, withdrawal of the objection are respectfully requested.

Prior Art Rejection

The Office Action rejects claim 1 under 35 U.S.C. §103(a) as being unpatentable over Yamaura (US 2002/0016199) in view of Bansal et al. (US 6,106,338) and von Kohorn (US 5,697,844); claim 2 under 35 U.S.C. §103(a) as being unpatentable over Yamaura, Bansal, von Kohorn, and Noh et al. (US 2001/0051896); claims 3 and 9 under 35 U.S.C. §103(a) as being unpatentable over Yamaura and Bansal; claim 4 under 35 U.S.C. §103(a) as being unpatentable over Yamaura, Bansal, and Noh; claim 5 under 35 U.S.C. §103(a) as being unpatentable over Yamaura, Bansal, von Kohorn, and Acres (US 2002/0061778); claim 6 under 35 U.S.C. §103(a) as being unpatentable over Yamaura, Bansal, and Acres; claim 7 under 35 U.S.C. §103(a) as being unpatentable over Yamaura, Bansal, von Kohorn, Acres and Landress et al. (US 2003/0191816); and claim 8 under 35 U.S.C. §103(a) as being unpatentable over Yamaura, Bansal, Acres and Landress. These rejections are respectfully traversed.

Claim 1 recites, *inter alia*, a storage for storing send information of the e-mail, which is sent from the receiver or sender, the send information including the number of received e-mails and total amount of received data by said first and second mobile terminals; a winning probability decider for deciding a

winning probability of a drawing of lots applied to a user of the second mobile terminal according to the send information stored in the storage; and a lot-drawer for executing a lot-drawing from the winning probability decided by the winning probability decider, wherein if the winning probability results in the second mobile terminal winning a prize, a winning notification is attached to the e-mail sent from said first mobile terminal prior to being reviewed by said second mobile terminal.

Claim 3 recites, *inter alia*, storing unit that stores send information of the e-mail, which is sent by the sending/receiving unit, the send information including the number of received e-mails and total amount of received data by said first and second mobile terminals; and lot-drawing unit that executes a lot-drawing applied to a user of the second mobile terminal when the send information stored in the storing unit satisfies a predetermined condition.

Claim 9 recites, *inter alia*, a server which relays the emails sent from one of said first or second mobile terminals to the other, the server storing mobile terminal information which includes the number of emails received by each of the at least first and second mobile terminals and also the total amount of data received by each of the at least first and second mobile terminals, wherein the server determines a winner of a prize using at least part of the mobile terminal information.

In embodiments of the present invention, data associated with a receiver of information, the destination terminal such as the second mobile terminal in claim 1 is acquired and stored for use in determining whether the receiving device is a winner of a specific prize. It is the destination device which is entered into the lottery and on which a winning probability is determined and not the sending device.

Yamaura teaches a method for increasing the number of people using a home page by attaching a lottery number to an email sent by a user and message to a particular home page to see if they have won based on that attached lottery number. These lottery numbers are completely random and have nothing to do with the being selected based on information associated with emails sent to a particular mobile terminal.

The Office Action relies upon Bansal to remedy Yamaura's deficiencies. Bansal teaches a lottery associated with telephone calls. Information between caller one (1) and caller two (2) is obtained. This information is used to determine if caller 1 (initiating the call) is winner for a particular lottery. In Bansal it is the initiating caller in which information is stored and a lottery winner determined, not the recipient.

Further, the Examiner relies upon Bansal to teach the claimed "send information including the number of received e-mails and total amount of received data by said first and second mobile terminals." The Examiner asserts that Bansal discloses a memory block 43 (see Fig. 2) used to store the sent information (such as number of calls made during a period of time, total amount of call time used, etc.), at page 8 of the Office Action. Applicants submit that the "number of calls" may correspond to the number of e-mails recited in the claims, however, the "total amount of call time" does not correspond to the claimed "total amount of received data."

Even if the taught "total amount of call time" is broadly interpreted as a time spent to communicate data, such interpretation is still different from the total amount of received data. The "time spent to communicate data" depends on the bandwidth of a communication path used in the communication, but does not uniquely correspond to the total amount of received data. Accordingly, Bansal's teachings of storing sent information corresponding to the number of

calls made, or total amount of call time used, does not correlate to the claimed total amount of received data. Nowhere in Bansal is this feature of Applicants' claims taught. Therefore, the Examiner's interpretation of Bansal's teachings in this respect, is overly broad and inaccurate.

Thus, Bansal fails to remedy the deficiencies of Yamaura specifically the termination of a winning probability of prize determination based on data associated with the recipient of an email and the send information including the number of received e-mails and total amount of received data by said first and second mobile terminals, as recited in the independent claims 1, 3 and 9.

Furthermore, neither Yamaura nor Bansal teach or suggest attaching to the email sent between a first and second terminal, a winning notification prior to the email being received by the second terminal.

In Yamaura, winning notification is determined by the user going to a specific web site and serving the lottery number if the person is a winner, then the web site notifies this particular person. In Bansal, the caller who initiated the call is notified of his winning status by interruption of the call by displaying the message or by other notification. However, the call has already been initiated between the caller 1 and the caller 2. Nowhere does Bansal teach or suggest attaching a notification to an email prior to the email being received at the second terminal.

Further, von Kohorn fails to remedy the deficiencies of Yamaura. Noh, Acres and Landress are each provided to teach features of the dependent claims and therefore also fail to remedy the deficiencies of Yamaura and Bansal.

Therefore, the combination of Yamaura and Bansal by themselves or combined with von Kohorn fail to teach each and every feature of the

independent claims as required. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

For at least the above reasons Applicants respectfully submit Claims 1-9 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billing Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: November 19, 2007

Respectfully submitted,

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